

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

NATHAN PAUL DONOVAN,)	
)	
Plaintiff)	
)	No. 1:14-0017
v.)	Senior Judge Haynes/Bryant
)	Jury Demand
ENOCH GEORGE, former Sheriff)	
of Maury County, et al.,)	
)	
Defendants)	

TO: THE HONORABLE WILLIAM J. HAYNES, JR.
SENIOR JUDGE

REPORT AND RECOMMENDATION

Defendants have filed their motion to dismiss for failure to prosecute (Docket Entry No. 47). As grounds, Defendants state that Plaintiff Donovan failed to appear for his duly noticed deposition on December 14, 2015. From this and other conduct, Defendants state that Plaintiff Donovan has demonstrated that he has no intention of prosecuting this case.

Following the filing of Defendants' motion, the undersigned Magistrate Judge on January 8, 2016, entered an order requiring Plaintiff Donovan to show cause on or before January 29, 2016, why his complaint should not be dismissed for his failure to prosecute and for his failure to appear at a duly noticed discovery deposition (Docket Entry No. 49). This order admonished Plaintiff that his failure to respond may cause the undersigned Magistrate

Judge to recommend that his complaint be dismissed. Despite this admonition, Plaintiff has filed no response.

The undersigned also notes that numerous recent mailings to Plaintiff at his address of record at the Morgan County Correctional Facility have been returned by the post office marked "Unable to Forward" and "Out to Parole" (Docket Entry No. 54). Thus, the record indicates that Plaintiff Donovan also has failed to keep the Clerk informed of his current mailing address, despite being ordered to do so (Docket Entry No. 8).

For all of the foregoing reasons, the undersigned Magistrate Judge finds that Defendants' motion to dismiss should be granted for Plaintiff Donovan's failure to prosecute, failure to appear at a duly noticed discovery deposition, and failure to keep the Clerk informed of his current mailing address.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that Defendants' motion to dismiss (Docket Entry No. 47) be granted, that the complaint be dismissed, and that all pending motions be denied as moot.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14**

days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 1ST day of February, 2016.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge